

Amendment "A" page 7 of 10 Atty. Docket No. 72759 [00P289PS-US00]
09/687,497

R E M A R K S

Claims 2, 5, 9, and 12 have been canceled without prejudice.

Claims 1, 3, 4, 6, 7, 8, 10, 11, 13, and 14 have been amended.

Support for amended Claims 1, 7, and 14 may be found in the specification from page 34, line 16 to page 35, line 10; from page 48, line 4 to page 49, line 4; from page 40, line 25 to page 41, line 6; and page 50, line 25 to page 51 line 6.

Support for amended Claims 3, 4, 6, 8, 10, 11, 13 may be found in the specification from page 38, line 22 to page 40, line 3; page 50, lines 10-15; page 29, lines 22-24; and page 46, lines 14-23.

Claims 1, 3, 4, 6, 7, 8, 10, 11, 13, and 14 are pending in the application.

Applicant respectfully requests reconsideration and examination of Claims 1, 3, 4, 6, 7, 8, 10, 11, 13, and 14.

Information Disclosure Statements

Applicant acknowledges with appreciation the signed form 1449/PTO for the Information Disclosure Statement filed on June 23, 2004 that was returned with the Office Action. However, the forms 1449/PTO for the Information Disclosure Statements filed on the following dates were not returned to Applicant with the examiner's signature and initials:

October 14, 2003;
August 20, 2003;
August 11, 2003;
August 4, 2003;
December 30, 2002;

Amendment "A" page 8 of 10 Atty. Docket No. 72759 [00P289PS-US00]
09/687,497

January 9, 2002;

December 7, 2001.

Applicant respectfully requests that the cited references be considered with regard to the pending claims and that a copy of each of the forms 1449/PTO initialed and signed by the examiner be returned to Applicant.

Response to the rejection under 35 U.S.C. § 102

Claims 1, 7, 8, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Best, U.S. Patent 5,393,073 (Best). Applicant respectfully traverses this rejection.

Claims 1, 7, 8, and 14 have been amended to overcome the rejection as follows. As described on page 52, lines 4-9 of the specification: "[t]he user can extract only favorite portions from the audio data to which various effects have been applied or the audio data from which unwanted portions have been removed. Therefore, the quality of audio data for use as sound sources can be increased, and the process of extracting audio data is easy."

Furthermore, as also described in Applicant's specification, audio data registered in a first file or a second file is registered as one of the sound sources of an entertainment apparatus based on a request from a user. The audio data is not only registered in a temporary file but also registered as a sound source of the entertainment apparatus. Therefore, the audio data can be used as a sound source of a program being edited and a sound source of another program to be executed thereafter. Furthermore, the user can selectively register the audio data registered in the first file and the audio data registered in the second file as a sound source, thereby increasing freedom of setting of sound sources. In addition, the user can set a sound source of a video game or the

Amendment "A" page 9 of 10 Atty. Docket No. 72759 [00P289PS-US00]
09/687,497

like by himself. Therefore, the user's interest in the video game or the like can be maintained.

Many of these features are now reflected in amended independent claim 1, which includes the limitations of a "sampling means . . .", a "re-sampling means . . .", and an "audio data registering means . . .". Independent claims 7, 8, and 14 include similar limitations. Such features and effects cannot be expected by the cited references. Because *Best* does not disclose re-sampling input audio data and registering the re-sampled audio data as one of the sound sources, amended Claims 1, 7, 8, and 14 are not anticipated by *Best*. Therefore, the rejections should be withdrawn.

Response to the rejection under 35 U.S.C. § 103

Claims 3, 4, 6, 10, 11, and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Best* in view of Keller, U.S. Patent 6,172,948 (Keller). Applicant respectfully traverses this rejection.

Applicant submits that these rejections should be withdrawn for at least the above reasons due to these claims' dependency on their respective independent claims. Namely, *Best* does not disclose re-sampling input audio data and registering the re-sampled audio data as one of the sound sources, as described above with reference to the rejection *Best*.

Claims 3, 4, 6, 10, 11, and 13 have been amended to make them consistent with their respective amended independent claims.

REST AVAILABLE COPY

Amendment "A" page 10 of 10 Atty. Docket No. 72759 [00P289PS-US00]
09/687,497

Fees Believed to be Due

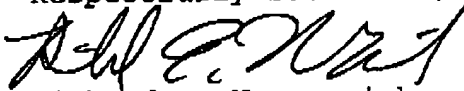
A Petition and fee for an extension of time within the first month is attached to this amendment.

C O N C L U S I O N

By way of this response, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the examiner telephone Richard Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

2/15/05

Respectfully submitted,



Richard E. Wawrzyniak
Reg. No. 36,048

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Ste. 1600
Chicago, IL 60603
Tel. (858) 552-1311
Fax (858) 552-0095

Direct telephone inquires to:

Richard Wawrzyniak
(858) 552-1311

406231_1